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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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ANDRE DAVID LEFFEBRE,

Movant,

*versus*

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:22-CV-376

**MEMORANDUM ORDER PARTIALLY ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Andre David Leffebvre, proceeding *pro se*, filed the above-styled motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the dismissal of the motion to vacate without prejudice as successive.

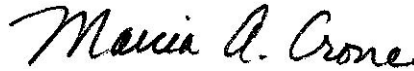
The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation. Movant has filed a motion asking to dismiss his motion to vacate. Pursuant to Federal Rule of Civil Procedure 41(a), movant is entitled to dismiss his motion to vacate at this stage of the proceedings.

**ORDER**

Accordingly, movant's motion to dismiss is **GRANTED**. The report of the magistrate judge is **PARTIALLY ADOPTED** to the extent it recommends this motion to vacate be

dismissed. A final judgment will be entered dismissing this motion to vacate pursuant to Federal Rule of Civil Procedure 41(a).

SIGNED at Beaumont, Texas, this 18th day of October, 2022.

Handwritten signature of Marcia A. Crone in black ink.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE